

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 98-2316

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Larry Wayne Crites,

Appellant,

Doris Ann Crites,

Plaintiff,

v.

Division of Family Services; Social  
Security Administration,

Appellees.

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Appeal from the United States  
District Court for the  
Eastern District of Missouri.

[UNPUBLISHED]

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Submitted: August 24, 1998  
Filed: August 28, 1998

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Before WOLLMAN, HANSEN, and MURPHY, Circuit Judges.

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PER CURIAM.

Larry Wayne Crites and his wife, Doris Ann Crites, filed suit against the Division of Family Services (DFS) and the Social Security Administration. They alleged in their complaint that “General Relief denied my benefits on 07/09/1990,” and that “Social Security has denied my benefits since Dec 5, 1988 until Sept 20, 1994”;

they sought a court hearing “to receive back benefits.” The district court<sup>1</sup> construed the complaint as contesting under 42 U.S.C. § 405(g) the denial of social security benefits to Mrs. Crites. The court concluded Mr. Crites was not a proper plaintiff and struck him from the case. Noting there was no indication that Mrs. Crites had exhausted her available administrative remedies, the court then dismissed the action without prejudice.

Mr. Crites appeals, appearing to challenge only the decision to strike him from the case. It appears from his brief that plaintiffs intended their complaint to encompass DFS’s termination of Mr. Crites’s benefits. See Mo. Rev. Stat. § 208.015 (1994) (DFS determines whether claimant is entitled to general relief benefits). Plaintiffs, however, did not allege a constitutional violation or any other basis for federal jurisdiction over a claim for benefits under Missouri statutes. See Berger Levee Dist. v. United States, 128 F.3d 679, 680 (8th Cir. 1997) (under 28 U.S.C. § 1331, federal courts have original jurisdiction over actions arising under the Constitution, laws, or treaties of United States); Williams v. Hopkins, 130 F.3d 333, 337 (8th Cir.) (violation of state statute does not infringe federal Constitution), cert. denied, 118 S. Ct. 595 (1997). We thus conclude the district court’s dismissal of the complaint without prejudice was proper as to both plaintiffs. Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>1</sup>The Honorable Catherine D. Perry, United States District Judge for the Eastern District of Missouri.